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and all Defendants*

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COUNSEL/PARTIES OF RECORD	
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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

BAKER RANCHES, INC., a Nevada
Corporation; DARWIN C.
WHEELER; and OWEN L. AND
PATRICIA T. GONDER,

Plaintiffs,

vs.

RYAN ZINKE, in his official capacity
as Secretary of the United States
Department of the Interior; the UNITED
STATES DEPARTMENT OF THE
INTERIOR; DAN SMITH, in his capacity
as Acting Director of the National Park
Service; the NATIONAL PARK
SERVICE; and CURT R. DIMMICK,
in his official capacity as Acting
Superintendent of the Great Basin
National Park,

Defendants.

Case No. 3:18-cv-261-RCJ-VPC

ORDER

**UNOPPOSED MOTION FOR A STAY OF
ALL DEADLINES IN LIGHT OF LAPSE
OF APPROPRIATIONS**

**UNOPPOSED MOTION FOR A STAY OF ALL DEADLINES IN LIGHT OF
LAPSE OF APPROPRIATIONS -- Page 1**

1 The United States of America, on behalf of all Defendants, hereby moves for a stay of all
2 deadlines in the above-captioned case, including the upcoming case management report (January
3 9) and case management conference (January 15).

4 1. At the end of the day on December 21, 2018, the appropriations act that had been
5 funding the Department of Justice expired and appropriations to the Department lapsed. The
6 same is true for several other Executive agencies, including the Defendants in this case. The
7 Department does not know when funding will be restored by Congress.

8 2. Absent an appropriation, Department of Justice attorneys are prohibited from
9 working, even on a voluntary basis, except in very limited circumstances, including
10 “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. §
11 1342.

12 3. Undersigned counsel for the Department of Justice therefore requests a stay of all
13 deadlines in the above-captioned case, including the upcoming case management report (January
14 9) and case management conference (January 15), until Congress has restored appropriations to
15 the Department.

16 4. If this motion for a stay is granted, undersigned counsel will notify the Court as
17 soon as Congress has appropriated funds for the Department. The Government requests that, at
18 that point, all current deadlines for the parties be extended commensurate with the duration of the
19 lapse in appropriations.

20 5. Opposing counsel has authorized counsel for the Government to state that the
21 Plaintiffs have no objection to this motion.

22 Therefore, although we greatly regret any disruption caused to the Court and the other
23 litigants, the Government hereby moves for a stay of all deadlines in this case until Department

of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectively submitted, this 4th day of January, 2019.

DAYLE ELIESON
United States Attorney, District of Nevada
GREG ADDINGTON
Assistant United States Attorney

JEAN E. WILLIAMS
Deputy Assistant Attorney General
Environment and Natural Resources Division
/s/ David L. Negri
DAVID L. NEGRI
Trial Attorney
U.S. Department of Justice

Attorneys for the Defendants

IT IS SO ORDERED:


THE HONORABLE CARLA BALDWIN CARRY
UNITED STATES MAGISTRATE JUDGE

DATED: 1/7/2019